

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EULA SINGLETON TART,
Plaintiff,

V.

CITI TRENDS INC.,
Defendant.

§
§
§
§
§
§
§

CIVIL ACTION NO. 4:22-cv-95
JURY

DEFENDANT'S NOTICE OF REMOVAL

Defendant, **CITI TRENDS, INC.**, files this Notice of Removal based on diversity jurisdiction under 28 U.S.C. § 1332.

I. INTRODUCTION

1. On or about December 9, 2021, Plaintiff, Eula Singleton Tart (“Plaintiff”) filed her Original Petition (“Petition”) against **CITI TRENDS, INC. (hereinafter “CTI”)**, alleging that she tripped and fell over a clothing rack that was placed incorrectly and hazardingly in the middle of the isle.

2. In her Petition, Plaintiff purports to assert a premises liability cause of action against Defendant CTI for negligence, including the negligence of its employees. Plaintiff seeks damages for past and future medical expenses; past and future physical pain and mental anguish; past and future physical impairment; past and future physical disfigurement; and pleads recovery in excess of \$1,000,000.00.

II. REMOVAL OF STATE COURT ACTION

3. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such

action is pending.” As demonstrated below, this action is removable under 28 U.S.C. §1441(a) because this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

III. BASIS FOR REMOVAL: DIVERSITY JURISDICTION

4. This Court has diversity jurisdiction under 28 U.S.C. § 1332(a) because this action is between citizens of different states and the amount of controversy, exclusive of interest and costs, exceeds \$75,000.00.

A. Complete Diversity Exists.

5. Complete diversity exists because Plaintiff and Defendant are citizens of different states.

6. Plaintiff, Eula Singleton Tart, is a resident of Harris County, Texas, and is represented by attorneys, Husein Hadi, Jamil Thomas, Carnegie H. Mims, III, Sedrick Stagg, Steve Thomas, Ariana Mehdiour and Anita Mehdiour, The Hadi Law Firm, PLLC, 7100 Regency Square Blvd., Ste. 140, Houston, Texas 77036.

7. Defendant CTI is a Delaware corporation licensed to do business in the State of Texas. It was formed on April 13, 1999 and maintains an address at 104 Coleman Boulevard, Savannah, Georgia 31408. Defendant CTI is represented by attorney J. Preston Wrotenbery, Deas & Associates, 4650 Westway Park Blvd., Ste. 150, Houston, Texas 77041.

8. Because Plaintiff is a citizen of Texas, and Defendant is a Delaware corporation, complete diversity exists among the parties.

B. The Amount in Controversy Exceeds \$75,000.00.

9. Plaintiff has pled damages in an amount in excess of \$1,000,000.00. [See Plaintiff’s Original Petition attached hereto as Exhibit “B-1”].

IV. ADDITIONAL REQUIREMENTS

10. Venue for this Removal is proper in the U.S. District Court for the Southern District of Texas, Houston Division, because this district and division includes Harris County, Texas – the location of the pending state court action. [See 28 U.S.C. § 1441(a) and 28 U.S.C. § 124(b)(2), which state that the Houston Division of the Southern District includes Harris County].

11. Attached hereto as an exhibit or filed in conjunction with this Notice of Removal are the following documents required by 28 U.S.C. § 1446(a) and S.D. TEX. LOC. R. 81 (these documents are hereby incorporated by reference in all respects):

- A. Citation issued to Citi Trends Inc. on December 16, 2021, and served on December 17, 2021;
- B. Pleadings:
 - 1. Plaintiff's Original Petition, filed December 9, 2021;
 - 2. Defendant's Original Answer, filed January 10, 2022;
- C. Orders Signed by the State Judge (None);
- D. State Court Docket Sheet;
- E. Index of Matters Being Filed;
- F. A List of All Counsel of Record, Including Contact Information;
- G. A Certificate of Interested Parties; and
- H. Civil Cover Sheet.

12. Pursuant to 28 U.S.C. § 1446(b), this removal is timely.

13. Written notice of the filing of this Removal will be provided to Plaintiff and filed with the District Clerk of Harris County, Texas.

14. This Notice of Removal is signed pursuant to FED. R. CIV. P. 11. *See* 28 U.S.C. § 1446(a).

15. Pursuant to Section 1016 of the Judicial Improvements and Access to Justice Act of 1988, no bond is required in connection with this Notice of Removal. Pursuant to Section 1016 of the Act, this Notice need not be verified.

16. In the event that Plaintiff seeks to remand this case, or the Court considers remand *sua sponte*, Defendant respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

WHEREFORE, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and this action should proceed in the United States District Court for the Southern District of Texas, as an action properly removed thereto under 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted,

DEAS & ASSOCIATES



J. PRESTON WROTENBERY

FBN: 2730

TSB No. 22083400

MAILING ADDRESS:

P.O. Box 64093

St. Paul, MN 55164-0093

PHYSICAL ADDRESS:

4650 Westway Park Blvd., Ste. 150

Houston, Texas 77041

(281) 606-8968

(281) 606-8970 (Fax)
Personal Email: jwrotenb@travelers.com
*ESERVICE ONLY: EservHous@travelers.com
(*only use for service of pleadings and discovery)
**ATTORNEY FOR DEFENDANT,
CITI TRENDS, INC.**

CERTIFICATE OF SERVICE

The undersigned attorney certifies that a true and correct copy of the above and foregoing instrument has been forwarded to all known counsel of record, or parties pro se, as listed below by either regular mail, certified mail, return receipt requested, hand delivery, facsimile and/or electronic transmission, on this the 11th day of January, 2022.

Husein Hadi
Jamil Thomas
Carnegie H. Mims, III
Sedrick Stagg
Steve Thomas
Ariana Mehdipour
Anita Mehdiour
The Hadi Law Firm, PLLC
7100 Regency Square Blvd., Ste. 140
Houston, Texas 77036
ATTORNEYS FOR PLAINTIFF

Via E-Service: litigation@thehadilawfirm.com



J. PRESTON WROTENBERY